

# #4

DEPARTMENT OF PLANNING  
STAFF REPORT

## BOARD OF SUPERVISORS PUBLIC HEARING

**DATE OF HEARING:** October 12, 2004  
**SPEX 2004-0008, Friends of the Animal Shelter**  
**DECISION DEADLINE:** October 12, 2004  
**ELECTION DISTRICT:** Blue Ridge    **PROJECT PLANNER:** Ginny Rowen

### EXECUTIVE SUMMARY

Friends of the Animal Shelter, Inc. of Aldie, Virginia has submitted an application for a special exception to permit an existing 360 square-foot indoor kennel to house cats in the A-3 (Agricultural Residential) zoning district. This application is subject to the Revised 1993 Zoning Ordinance and the proposed use is listed as a Special Exception use under Section 2-403(N). The property is approximately 20 acres in size and is located west of James Madison Highway (Route 15) on the west side of Old Carolina Road (Route 615) at 39703 Goodpuppy Lane. The area is governed by the policies of the Revised General Plan, which designates this area for Rural uses. An indoor kennel is consistent with the types of uses anticipated in the Rural Policy Area.

### STAFF RECOMMENDATION

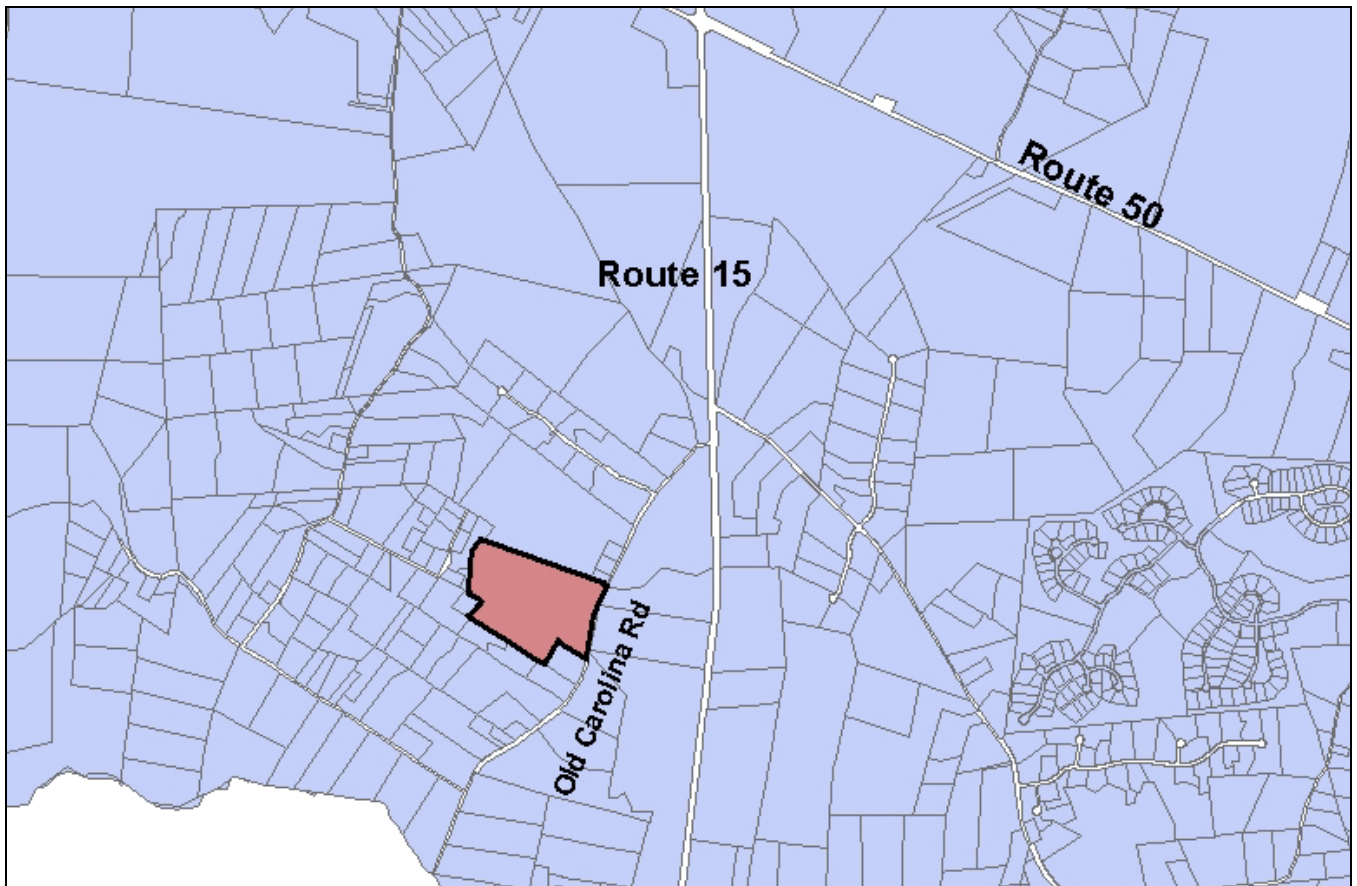
The Planning Commission and staff recommend approval of the application subject to the conditions and findings contained in the staff report. The applicant agrees with the recommended conditions.

### SUGGESTED MOTIONS

1. A. I move that the Board of Supervisors suspend the rules.
1. B. I move that the Board approve SPEX 2004-0008, Friends of the Animal Shelter subject to the conditions of approval and findings outlined in the staff report dated October 12, 2004.
2. I move that the Board of Supervisors forward SPEX 2004-0008, Friends of the Animal Shelter to a the Land Use Committee for further discussion. **Staff notes that a timeline extension from the applicant will be necessary if this item is forwarded to committee.**
3. I move an alternate motion.

### VICINITY MAP

**Directions:** From Leesburg take Route 15 south to Old Carolina Road (south of Route 50). Make a right on Old Carolina Road to the subject site on the right at 39703 Goodpuppy Lane.



## TABLE OF CONTENTS

I.	Application Information .....	4
II.	Summary of Discussion.....	5
III.	Planning Commission Review and Findings .....	5
IV.	Conditions of Approval.....	6
V.	Project Review .....	6
	A. Summary of Outstanding Issues.....	6
	B. Overall Analysis.....	6
	C. Zoning Ordinance Criteria for Approval .....	9
VI.	Attachments.....	12

**I. APPLICATION INFORMATION**

**APPLICANT** Friends of the Animal Shelter, Inc.  
Charles Gilbert  
39703 Goodpuppy Lane  
Aldie, Virginia 20105

**REPRESENTATIVE** Dewberry, LLC  
Gary Salvagni  
602 South King Street, SE  
Leesburg, Virginia 20175

**APPLICANT'S PROPOSAL/  
REQUEST**

Special exception to allow an existing indoor kennel to house domestic cats.

**LOCATION** West of Route 15, west side of Old Carolina Road at 39703 Goodpuppy Lane

**TAX MAP/PARCEL #** Tax Map 98, Parcel 61E

**ZONING** A-3 (Agricultural Residential)

**ACREAGE OF REQUEST SITE** approximately 20 acres

**SURROUNDING LAND USES/ZONING**

	<b>ZONING</b>	<b>PRESENT LAND USES</b>
North	A-3 (Agricultural Residential)	undeveloped
South	A-3 (Agricultural Residential)	undeveloped
East	AR-2 (Agricultural Rural)	undeveloped
West	A-3 (Agricultural Residential)	residential

## SUMMARY OF DISCUSSION

Referral Agency or Topic Area	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"><li>• The proposal complies with the policies cited in the Rural Policy Area of the <u>Revised General Plan</u>. Small-scale rural businesses are encouraged in the Rural policy area.</li><li>• There are no outstanding staff issues.</li></ul>
Zoning	<ul style="list-style-type: none"><li>• The applicant has added a plat cover sheet containing information requested by staff.</li><li>• The applicant has revised specific notes and provided clarifications on the special exception plat in accordance with staff comments.</li><li>• There are no outstanding staff issues.</li></ul>
Transportation Planning	<ul style="list-style-type: none"><li>• There are no peak hour impacts since the facility is open to the public only on the weekends.</li><li>• Approximately 15 daily vehicle trips are anticipated on the days the facility is open to the public.</li><li>• There are no outstanding staff issues.</li></ul>
Fire and Rescue	<ul style="list-style-type: none"><li>• The facility is served by the Aldie Volunteer Fire Company and the Arcola Volunteer Fire and Rescue Company.</li><li>• There are no outstanding staff issues.</li></ul>

### III. PLANNING COMMISSION REVIEW AND FINDINGS

The Planning Commission reviewed the application at the September 20, 2004 public hearing. One member of the public had a question regarding the location of the proposed outdoor kennel facilities used to house the homeless dogs on the property. The speaker reviewed the applicant's special exception plat and was satisfied with the location of the new facilities. A special exception is not required for the outdoor kennel facilities since the acreage and setback requirements have been exceeded. A special exception is only necessary for the existing indoor kennel. The size of the indoor kennel will remain unchanged at 360 square feet. The Planning Commission voted 7-0-2 (Hsu and White-Whitmore absent) to forward the application to the Board with a recommendation of approval.

## FINDINGS

1. The proposal is consistent with policies contained in the Revised General Plan. Small rural businesses and services are supported in the Rural policy area.
2. The proposal complies with the Revised 1993 Zoning Ordinance.
3. The proposal provides modern accommodations for stray and abandoned domestic cats prior to adoption by a host family.

## IV. CONDITIONS OF APPROVAL

1. The subject property shall be developed in substantial conformance with the Special Exception plat dated June 2003, revised through June 4, 2004, prepared by Dewberry LLC. Approval of this application does not relieve the applicant of any Zoning Ordinance, Codified Ordinance, or any other regulatory requirement.
2. The facility shall be open to the public on weekends and holidays or by appointment during daylight hours.

## V. PROJECT REVIEW

### A. Summary of Issues

All of the issues identified in the referral comments have been addressed in the applicant's response memo, on the revised special exception plat, or with the recommended conditions of approval. The applicant is in agreement with the conditions of approval.

### Overall Analysis

#### Context

The subject property is a 20-acre site that is developed with a centrally located kennel facility that boards stray and abandoned dogs and cats until a host family can adopt them. No animals are euthanized. The facility accepts animals from the Loudoun County Animal Shelter and has been in operation for more than 35 years. The outdoor kennel is expanding (3,088 square foot building) next to the existing facilities to provide more modern accommodations for the animals. During a site plan review for the building expansion, County staff informed the owners that an indoor kennel (which currently houses domestic cats) requires special exception approval in the A-3 (Agricultural Residential) zoning district. A special exception is not required for the outdoor kennel, in this case, because the property exceeds acreage and setback requirements (as specified in Section 5-606 of the Revised 1993 Zoning Ordinance). The 360-square foot indoor kennel is not expanding at this time. However; it is a separate use that requires special exception approval in an A-3 zoning district.

## COMPREHENSIVE PLAN

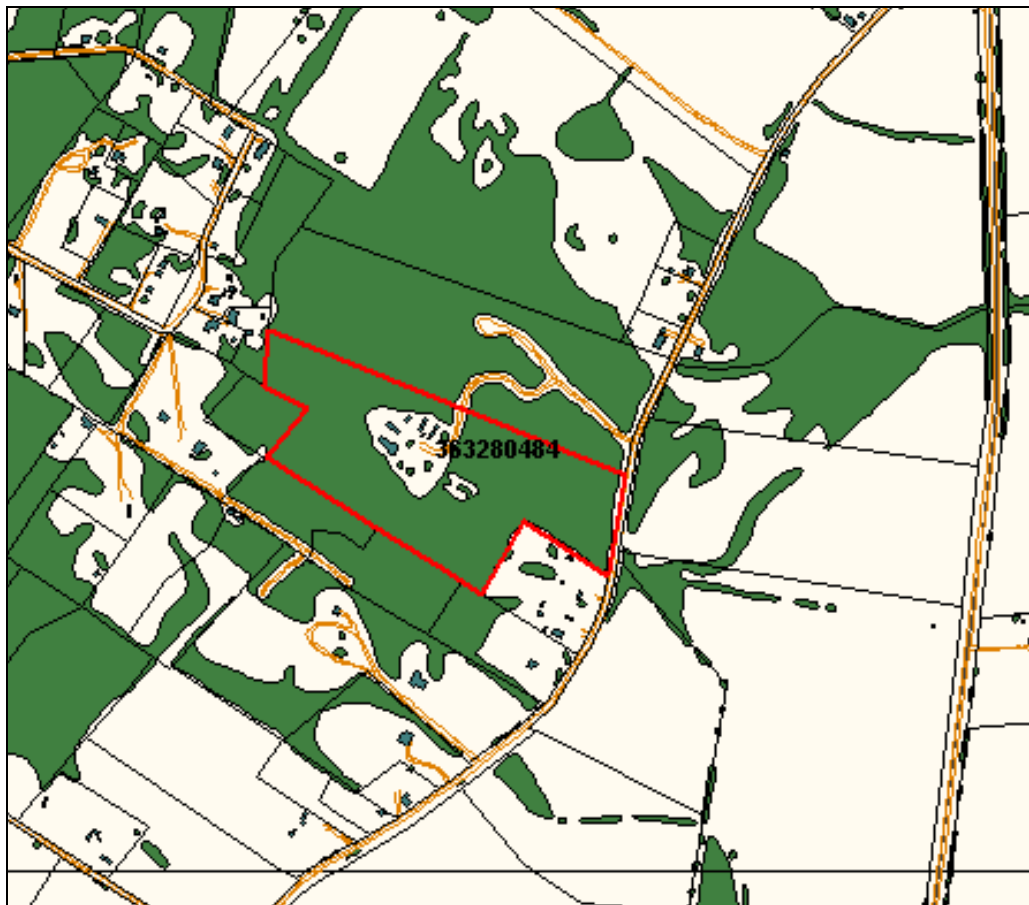
### LAND USE

The property is located within the Village of Aldie Mountain within the Rural policy area and is governed under the policies outlined in the Revised General Plan as adopted July 23, 2001.

In an effort to preserve the County's rural character, Plan policies encourage small-scale rural businesses within the Rural area. The shelter facilities are located on approximately .75 acre of a 20-acre property.

### BUFFERING AND LANDSCAPING

The facilities are completely surrounded by dense vegetation consisting of native hardwoods and evergreen trees. The owners intend to preserve the existing trees in order to minimize any adverse impacts. The existing zoning limits development potential and encourages the preservation of natural features and vegetation. The following map depicts the tree cover surrounding the facilities as well as the amount of tree cover on adjacent properties.



**EXTENSIVE TREE COVER SURROUNDS THE EXISTING & PROPOSED FACILITIES**

## LIGHTING

The existing shelter is open to the public only during daylight hours on weekends and does not use any overhead lighting sources on the site. The enclosed cat shelter will maintain the same days and hours of operation. No additional lighting is proposed.

**The proposed project is consistent with Plan policies for the Rural policy area. There are no outstanding Plan policy issues.**

## ZONING

The property is zoned A-3 (Agricultural Residential) under the Revised 1993 Loudoun County Zoning Ordinance. The applicant is applying for special exception approval for an indoor kennel to house cats on the property. In the A-3 zoning district, a kennel is a special exception use (2-403(N)), pursuant to Section 5-606, if the property cannot meet additional setback and acreage requirements prescribed in Section 5-606(A)(1).

The applicant meets the additional setback and acreage criteria prescribed in Section 5-606 as a by-right use; therefore, a special exception is not needed for the outdoor kennel. The existing 360 square-foot indoor kennel, which is a separate use, creates the need for this special exception.

The applicant has made minor modifications to the special exception plat in accordance with staff recommendations. In addition, the applicant has amended the Statement of Justification by addressing all applicable special exception criteria contained in Section 6-1310 of the Revised 1993 Zoning Ordinance.

**There are no outstanding zoning issues.**



**EXISTING INDOOR KENNEL FOR DOMESTIC CATS**



## TRANSPORTATION

The subject site is located on the west side of Carolina Road (Route 615), west of Route 15 and south of Route 50. Site access is accommodated by an existing private access road known as Goodpuppy Lane. Route 615 is a paved two lane rural road. Traffic counts indicate 330 average daily trips on Carolina Road which represents good service levels.

The applicant's Statement of Justification indicates the existing building will continue to be used for boarding cats at its present size and capacity. The shelter is only open to the public on weekends during the daylight hours and therefore there are no peak hour impacts. On average, 15 daily vehicle trips will access the shelter on days it is open to the public.

**There are no outstanding transportation issues.**

## EMERGENCY SERVICES

The Aldie Volunteer Fire Company and Arcola Volunteer Fire and Rescue Companies will provide fire and rescue services to the site.

**There are no outstanding emergency services issues.**

## C. ZONING ORDINANCE CRITERIA FOR APPROVAL

*Section 5-600 of the Loudoun County Zoning Ordinance, Additional Regulations for Specific Uses. "...Unless otherwise specified, the following additional regulations may be modified by Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations."*

*Section 6-1310 states " ... (i)in considering a special exception application, the following factors shall be given reasonable consideration, to the extent applicable, in addition to any other standards imposed by this Ordinance ... ":*

Standard      *Whether the proposed special exception is consistent with the Comprehensive Plan.*

Analysis      The proposal is consistent with the Revised General Plan, which encourages small scale businesses and services in the Rural policy area.

Standard      *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

<u>Analysis</u>	The cats are presently housed in a 360 square-foot wood and masonry structure that contains fire suppression equipment.
<u>Standard</u>	<i>The noise that may be generated by the proposed use in relation to the uses in the immediate area.</i>
<u>Analysis</u>	The cat shelter is completely enclosed and is screened by a dense natural buffer consisting of deciduous and evergreen trees.
<u>Standard</u>	<i>The glare or light that may be generated by the proposed use in relation to uses in the immediate area.</i>
<u>Analysis</u>	The facility is open to the public on the weekends during daylight hours. There are no overhead lighting fixtures and no additional lighting is proposed with the cat facility.
<u>Standard</u>	<i>The proposed location, lighting, and types of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.</i>
<u>Analysis</u>	No additional signs are proposed.
<u>Standard</u>	<i>The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>
<u>Analysis</u>	The 360 square-foot indoor kennel for domestic cats is heavily screened by mature deciduous and evergreen trees.
<u>Standard</u>	<i>The nature and extent of existing or proposed landscaping, screening, and buffering on the site and in the neighborhood.</i>
<u>Analysis</u>	Mature vegetation exists around the existing indoor kennel facilities. No landscaping will be removed.
<u>Standard</u>	<i>Whether the proposed special exception will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significance.</i>
<u>Analysis</u>	The indoor kennel currently exists on the property. No expansion of the facility is planned; therefore, there will be no destruction, loss or damage to any topographic, physical, natural, scenic, archeological, or historic features.
<u>Standard</u>	<i>Whether the proposed special exception at the specified location will contribute to or promote the welfare and convenience of the public.</i>
<u>Analysis</u>	The facility provides food and shelter to abandoned and homeless cats.

<u>Standard</u>	<i>The traffic expected to be generated by the proposed use, the adequacy of the access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.</i>
<u>Analysis</u>	The facility generates approximately 15 daily vehicle trips on days when the shelter is open to the public.
<u>Standard</u>	<i>Whether the proposed special exception will be served adequately by essential public facilities and services.</i>
<u>Analysis</u>	The indoor kennel is served by a private well and drainfield.
<u>Standard</u>	<i>The effect of the proposed special exception on groundwater supply.</i>
<u>Analysis</u>	No impacts have been identified on groundwater supplies. There are existing private facilities to serve the subject site.
<u>Standard</u>	<i>The effect of the proposed special exception on the structural capacity of the soils.</i>
<u>Analysis</u>	The applicant and staff referrals have not indicated a soil capacity concern due to the proposal. The existing building used to house the cats will remain unchanged.
<u>Standard</u>	<i>Whether the proposed use will facilitate orderly and safe road development and transportation.</i>
<u>Analysis</u>	Site access is accommodated by an adequate private gravel access road off Old Carolina Road.
<u>Standard</u>	<i>The effect of the proposed special exception on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.</i>
<u>Analysis</u>	The indoor kennel will not be expanded and will not affect environmentally sensitive land, natural features, wildlife habitat and vegetation, water quality or air quality.
<u>Standard</u>	<i>The location and use of any anticipated accessory uses and structures.</i>
<u>Analysis</u>	No accessory uses or structures are depicted on the special exception plat.
<u>Standard</u>	<i>The area of each use, if appropriate.</i>
<u>Analysis</u>	The area of each use has been depicted on the special exception plat.
<u>Standard</u>	<i>The level and impact of any noise emanating from the site.</i>
<u>Analysis</u>	No additional noise is anticipated from the indoor kennel. There is extensive mature vegetation surrounding the facilities.

Standard      *The proposed days/hours of operation.*

Analysis      The shelter is open to the public during daylight hours on the weekends.

Standard      *The location and nature of any proposed security features and provisions.*

Analysis      No security features are depicted on the plat.

Standard      *The description of any features above the roofline of any structures.*

Analysis      No features are depicted above the roofline of the indoor kennel.

Standard      *The number of employees*

Analysis      Several volunteers care for the animals.

Standard      *Any anticipated odors which may be generated by the uses on site.*

Analysis      Animal waste is placed in separate bags and removed by a hauling service. No odors are anticipated from the indoor kennel. Required setbacks have been exceeded to minimize potential odors from the facility.

<b>VI. ATTACHMENTS</b> (not available electronically – located in Planning Dept.)			<b>PAGE NUMBER</b>
<b>1.</b>	<b>Review Agency Comments</b>	<b>Date</b>	
a.	Community Planning	6/24/04	A-1
b.	Zoning	7/14/04	A-2
c.	Transportation	7/14/04	A-4
d.	VDOT	6/23/04	A-5
e.	Fire and Rescue	7/7/04	A-6
f.	Health Department	7/16/04	A-7
<b>2.</b>	<b>Disclosure of Real Parties in Interest</b>		A-8
<b>3.</b>	<b>Statement of Justification</b>		A-10
<b>4.</b>	<b>Applicant Responses / Revised Plat</b>		enclosed